IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 617 OF 2007

1. Sopan Sadba Taware
2. Saul Alka Sopan Taware
3. Anil @ Ananta Sopan Taware
4 Sunil Sopan Taware
5 Dattatraya Sopan Taware ...Applicants

V/s

The State of Maharashtra ..Respondent.

Mr. K.S. Patil, Advocate for the applicant.
Mr. U. V. Nikam, APP for the State.

CORAM : J.H. BHATIA, J.

DATE : 6TH MARCH, 2007.

P.C.

. Heard Mr Patil, learned Counsel for the applicant and Mr. Nikam, learned APP for the State. Perused the police papers.

2. The applicants seek anticipatory bail in Crime No. 514/2006, registered at Hadapsar Police Station for the offence punishable under Section 498A, 306 r/w section 34 of Indian Penal Code.

3. The prosecution case, in brief, is that deceased Neeta was married to applicant No.3 Anil on 18th February, 2005 and out of the wedlock she had also son

born on 14/12/2005. According to the prosecution, since after the marriage she used to make a grievance that she was not being treated properly by father-in-law, mother-in-law and husband on the ground that she was unable to cook properly. Her husband alleged that sufficient dowry was not given to him and that her father is beggar. Saying so, he used to ill-treat her. She also informed her parents that her husband and mother-in-law used to insist her to bring amount of Rs.50,000/- from her parents' as they wanted to purchase one autorickshaw, but the demand could not be satisfied. Therefore, ill-treatment continued. After delivery at her parents place, her fahter-in-law and mother-in-law came there and they took her back to their house on 9.12.2006. She again informed on mobile phone that she was being ill-treated by her in-laws on the ground of demand of money. On 11/12/2006 she committed suicide by hanging herself. On the same day information was given to her parents. on 16/12/2006 her mother lodged a report stating all the above facts in the F.I.R.

4. The applicants claim to be innocent and pray for anticipatory bail. According to the applicants, applicant No.2, who is mother-in-law of the deceased is

suffering from breast cancer and she is under actual treatment for that at Sadhu Vaswani Mission's Medical Complex Hospital at Pune. The medical report from that hospital reveals that she is under going radiation treatment and as late as on 14/2/2007 also she was required to take treatment. In view of the fact that the applicant No.2 is a lady and she is suffering from Cancer, I find that she may be granted anticipatory bail. If the F.I.R. is closely perused the specific allegations are against husband and mother-in-law. The allegations against father-in-law and brothers-in-law are general in nature. In view of these circumstances, I find that applicant No. 1, who is father-in-law, and applicant Nos. 4 and 5, who are brothers-in-law, may be granted anticipatory bail. But applicant No.3 Anil, who is husband of the deceased and mainly responsible for the cruel treatment meted out to her is not entitled to this relief.

5. For the aforesaid reasons, in the event of arrest in Crime No.514/2006, registered at Hadapsar Police Station, District Pune applicant Nos. 1, 2, 4 and 5 be released on their executing P.R. of Rs. 15,000/- each with surety in like amount with the

conditions that they shall make themselves available to the police as and when required for the purpose of interrogation and shall fully cooperate in the investigation. Application to the extent of applicant No.3 Anil stands rejected.

(J.H. BHATIA, J.)